

GlaserWeil

10250 Constellation Blvd.
19th Floor
Los Angeles, CA 90067
310.553.3000 TEL
310.556.2920 FAX

Robert E. Allen

November 30, 2023

Direct Dial
310.282.6280

Direct Fax
310.785.3580

Email
rallen@glaserweil.com

VIA ECF

Hon. Mary S. McElroy
United States District Judge
Federal Building and Courthouse
One Exchange Terrace
Providence, RI 02903

Re: 1:22-cv-00090-MSM-PAS - Thiccc Boy Productions Inc. v. Kyle Swindelles a/k/a
Yew Neek Ness
Request for Alternative Dispute Resolution and Continuance of Pending Deadlines

Dear Judge McElroy,

Plaintiff Thiccc Boy Productions Inc. ("Plaintiff") respectfully requests that the Court refer this case to mediation pursuant to the Court's alternative dispute resolution ("ADR") program before Administrator-Mediator, Berry B. Mitchell, Ph.D. Plaintiff further requests that the Court continue all deadlines relating to Defendant Kyle Swindelles' ("Swindelles") Second Motion for Sanctions, filed on November 28, 2023. (Dkt. No. 60.) To date, the parties have not engaged in any mediation efforts. Plaintiff submits that referral to mediation is appropriate.

The Court's ADR Information Summary states that "litigants may seek court referral to ADR at any time short of trial."¹ This case is eligible for ADR because it does not involve a bankruptcy appeal, prisoner matter, or social security appeal. The "ADR Plan specifically requires that both the parties and counsel of record participating in court-annexed mediation must 'attend and participate in good faith.' The Plan makes clear that 'failure to meet obligations under these rules may lead to disciplinary action.'" *Abdullah v. Evolve Bank & Tr.*, No. CA 14-131 S, 2015 WL 4603229, at *5 (D.R.I. July 29, 2015).

On November 28, 2023, Swindelles filed a Second Motion for Sanctions against Plaintiff. (Dkt. No. 60.) Plaintiff disagrees with Swindelles' assertions and intends to file a response. Plaintiff's response is currently due on December 12, 2023.

¹ <https://www.rid.uscourts.gov/sites/rid/files/documents/adr/adrplansummary-063016.pdf>

November 30, 2023

Page 2

Plaintiff respectfully submits that referral to mediation, and postponing the time to respond to Swindelles' motion while engaging in the mediation process, will encourage a mutually satisfactory of the parties' disputes, while making efficient use of judicial and party resources.

Respectfully Submitted,



ROBERT E. ALLEN

of GLASER WEIL FINK HOWARD JORDAN & SHAPIRO LLP